

REMARKS

Reconsideration of the rejection set forth in the Office Action is respectfully requested.

Rejection under 35 USC 102

Claims 1, 4-5 and 8-12 were rejected under 35 USC 102(e) as unpatentable over Bahl (U.S. Patent Application Publication No. 2003/0054818). This rejection is respectfully traversed in view of the following arguments.

The claims of this application focus on an implementation in which a wireless client forms two primary active affiliations with two or more primary wireless access points in a wireless area network, and then uses the two primary active affiliations simultaneously to communicate on the network. Specifically, claim 1 recites:

Claim 1. A method of forming multiple simultaneous active wireless connections between a wireless client and two or more separate wireless access points in a wireless local area network, the method comprising the steps of:

obtaining, by the wireless client, a first primary active affiliation between the wireless client and a first primary wireless access point in the wireless local area network, the first primary wireless access point providing ongoing communication services to the wireless client by sending data to the wireless client and receiving data from the wireless client on the first primary active affiliation;

obtaining, by the wireless client, a second primary active affiliation between the wireless client and a second primary wireless access point in the wireless local area network, the second primary wireless access point providing ongoing communication services to the wireless client by sending data to the wireless client and receiving data from the wireless client on the second primary active affiliation;

maintaining and using, by the wireless client, the first primary active affiliation between the wireless client and the first primary wireless access point in the wireless local area network and the second primary active affiliation between the wireless client and the second primary wireless access point in the wireless local area network during a period of operation of the wireless client when the wireless client is not engaging in a handoff process between access points.

The Examiner has taken the position that Bahl teaches the identical system, particularly citing Paragraphs 27-31 of Bahl. Applicants respectfully submit that Bahl fails to teach the same system or an obvious variant thereof.

Bahl teaches a dual node wireless device that can communicate alternately on either an Infrastructure (“IS”) network or on an ad-hoc network. When the dual node wireless device communicates on the Infrastructure (IS) network, it will communicate with an access point. (Bahl at Paragraph 3). Hence, Bahl does teach that the dual node wireless device should form a primary affiliation with one access point in the wireless local area network. However, Bahl teaches that the dual node wireless device will not communicate with an access point when communicating on the ad-hoc network. (Bahl at Paragraph 4: “In the ad hoc (“AH”) mode, a wireless node communicates directly, i.e., in a peer-to-peer fashion, with other nodes within its RF range without going through an intermediate node such as the access point of the IS network.”).

As noted above, claim 1 requires the wireless client to form first and second primary active affiliations and between the wireless client and first and second access points. Bahl does not do this, since Bahl does not form two active affiliations between the dual node wireless device two access points.

Further, claim 1 requires that the first and second primary wireless access points both be part of the same wireless local area network. Bahl is explicit that nodes on an Infrastructure (IS) network and nodes in an Ad-Hoc network do not interact with each other, even if they have overlapping transmission ranges. (Bahl at Paragraph 5). Further, Bahl explains in paragraph 47 that different forwarding tables are maintained by the dual node wireless device for each of the IS and AH networks. Hence, the IS network and ad-hoc network of Bahl are not part of the same wireless local area network and, accordingly, even if a peer node is considered to be an “access point” within the ad-hoc network, this interpretation of Bahl still would not cause Bahl to anticipate claim 1. Specifically, a peer node in the ad-hoc network and an access point in the IS network are in different wireless networks and, hence, this interpretation of Bahl would not anticipate claim 1.

Finally, claim 1 requires that the wireless client maintain and use both the first primary active affiliation in the wireless local area network and the second primary active affiliation in the wireless local area network “during a period of operation of the wireless client when the wireless client is not engaging in a handoff process between access points.” This requires both affiliations to be used by the wireless client on the local area network simultaneously. Bahl does not do this. Specifically, Bahl teaches that the dual mode wireless device will toggle between networks such that if it is communicating on the AH network it will use the AH mode, and if it is

communicating with a device on the IS network it will use IS mode. (Bahl at paragraph 30-31; Bahl at paragraph 32 “The wireless controller driver 300 is responsible for enabling and disabling alternately the two wireless network modes.”). However, it never communicates on both networks at the same time. (Bahl at paragraph 41: “In response to the poll signals, the wireless network driver will disable one of the virtual IS and AH modes of operation and enable the other.”). See also Bahl at paragraph 53.

In summary, there are several items that Bahl is lacking, any one of which prevents Bahl from anticipating independent claim 1 of this application. First, Bahl does not teach or suggest that a wireless client should have two primary active affiliations with two access points. Second, Bahl does not teach or suggest that a wireless client should actively affiliate with two devices in the same wireless network. Third, Bahl does not teach or suggest that the wireless client should use both affiliations at the same time. Accordingly, applicants respectfully request that the rejection under 35 USC 102 be withdrawn.

Conclusion

Applicants respectfully submit that the claims pending in this application are in condition for allowance and respectfully request an action to that effect. If the Examiner believes a telephone interview would further prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

No fees are believed due in connection with this application. If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 501602 (Ref. 909425-US-NP).

Respectfully Submitted

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